

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RICHARD M. LAWSON, #598802,

Petitioner,

v.

CASE NO. 09-CV-13186
HONORABLE ANNA DIGGS TAYLOR

DEBRA SCUTT,

Respondent.

OPINION AND ORDER OF SUMMARY DISMISSAL

This is a habeas case brought pursuant to 28 U.S.C. § 2254. Richard M. Lawson (“Petitioner”), a state prisoner presently confined at the G. Robert Cotton Correctional Facility in Jackson, Michigan, challenges his felony murder and felony firearm convictions which were imposed by the Wayne County Circuit Court. Petitioner was sentenced to consecutive terms of non-parolable life imprisonment and two years imprisonment on those convictions in 2006.

Petitioner has already filed a habeas action challenging the same convictions with this Court, which is before another judge in this district. *See Lawson v. Scutt*, Case No. 09-CV-11946. In that case, United States District Judge Denise Page Hood, upon Petitioner’s motion, stayed and administratively closed the case so that Petitioner could exhaust state court remedies as to his existing and/or additional habeas claims. Accordingly, the instant action must be dismissed as duplicative and/or successive to his stayed petition. *See, e.g., Flowers v. Trombley*, 2006 WL 724594, *1 (E.D. Mich. March 17, 2006) *Harrington v. Stegall*, 2002 WL 373113, *2 (E.D. Mich.

Feb. 28, 2002); *see also Davis v. United States Parole Comm'n*, 870 F.2d 657, 1989 WL 25837, *1 (6th Cir. March 7, 1989) (district court may dismiss a habeas petition as duplicative of a pending habeas petition). Should Petitioner wish to pursue the claims raised in this case, he should file a motion to re-open and/or amend the habeas petition in his previously-filed case before Judge Hood. Petitioner may not challenge the same convictions in two different habeas actions. Accordingly, the Court **DISMISSES** the instant petition. This dismissal is without prejudice to the proceedings in Case No. 09-CV-11946.

IT IS SO ORDERED.

DATED: August 27, 2009

s/Anna Diggs Taylor
ANNA DIGGS TAYLOR
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing Order of Dismissal was served upon Petitioner by First Class U.S. mail on August 27, 2009.

Richard Lawson , #598802
G. Robert Cotton Correctional Facility
3500 N. Elm Road
Jackson, MI 49201

s/Johnetta M. Curry-Williams
Case Manager